

Appl. No. 10/672,414
Docket No. 9369
Amdt. dated June 27, 2007
Reply to Office Action mailed on March 29, 2007
Customer No. 27752

REMARKS

Claim Status

Applicants acknowledge the withdrawal of the rejection under 35 USC §102(b) over U.S. Patent No. 6,221,211.

Claims 1 has been amended to define the claimed invention with greater specificity. Support for the amendment to Claim 1 is found throughout the Specification, such as at page 5, lines 17-20 and Fig. 1, and in the Claims as originally filed.

Claims 2, 11, 18, 20 and 21 have been amended to be consistent with Claim 1, as amended.

Claims 1-21 and 23 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §112, First Paragraph

The Office Action States Claims 2-4 and 23 are rejected by the Examiner under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully submit that the Claim 2, as amended, satisfies the written description requirement. Further, Applicants submit that Claims 3 and 4, which ultimately depend from Claim 2, as amended, satisfy the written description requirement. Further, Applicants submit that as evidenced by the Specification, especially page 5, lines 17-20 and Fig. 1, Claim 23 satisfies the written description requirement.

In light of the foregoing, Applicants respectfully submit that Claims 2-4 and 23 satisfy the written description requirement.

Rejection Under 35 USC §102(b) Over WO 98/50482

Claims 1-3, 17-20, and 23 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by WO 98/50482 to Procter & Gamble ("482"). The Examiner asserts that '482 teaches a multi-ply absorbent article with pigmented adhesive positioned between two embossed plies.

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Applicants respectfully submit that '482 fails to teach each and every element of Claim 1, as amended, because '482 fails to teach an embossment comprising a visual cue comprising a non-white color agent. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by '482. Further, Applicants submit that Claims 2-3, 17-20 and 23, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by '482.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 3,672,949

Claims 1-3, 17-20, and 23 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 3,672,949 to Brown ("Brown"). The Examiner asserts that Brown teaches a laminated creped tissue comprising two or more embossed plies attached to each other by an adhesive applied in a pattern of discrete spots.

Applicants respectfully submit that Brown fails to teach each and every element of Claim 1, as amended, because Brown fails to teach an embossment comprising a visual cue comprising a non-white color agent. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Brown. Further, Applicants submit that Claims 2-3, 17-20 and 23, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Brown.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 3,684,641

Claims 1-3, 17-20, and 23 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 3,684,641 to Murphy ("Murphy"). The Examiner asserts that Murphy teaches a laminated creped embossed tissue providing a pleasant pattern of visible coloration.

Applicants respectfully submit that Murphy fails to teach each and every element of Claim 1, as amended, because Murphy fails to teach an embossment comprising a visual cue comprising a non-white color agent. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Murphy. Further, Applicants submit that Claims 2-3, 17-20 and 23, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Murphy.

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Rejection Under 35 USC §102(b) Over U.S. Patent No. 4,325,768

Claims 1-3 and 23 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 4,325,768 to Schulz ("Schulz"). The Examiner asserts that Schulz teaches a laminated creped fibrous web material with an embossed pattern.

Applicants respectfully submit that Schulz fails to teach each and every element of Claim 1, as amended, because Schulz fails to teach an embossment comprising a visual cue comprising a non-white color agent. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Schulz. Further, Applicants submit that Claims 2-3, as amended, and 23, which ultimately depend from Claim 1, as amended, are not anticipated by Schulz.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 5,503,318

Claims 1-3, 17-20, and 23 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by U.S. Patent No. 5,503,076 to Yeo ("Yeo"). The Examiner asserts that Yeo teaches a multicolored printed laminate, wherein the laminate includes fibrous webs attached by a plurality of discrete colored adhesive in an emboss pattern.

Applicants respectfully disagree with the Examiner's interpretation of Yeo. Applicants respectfully submit that Yeo merely teaches printing various colors of inks onto a nonwoven laminate. Nowhere does Yeo teach that its nonwoven laminate comprises an embossment comprising a non-white color agent. Further, Applicants submit that Yeo fails to teach a fibrous structure that comprises a discrete non-verbal cue comprising an embossment wherein the embossment communicates a characteristic of the fibrous structure to a user. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Yeo. Further, Applicants submit that Claims 2-3, 17-20 and 23, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Yeo.

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Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211

in view of U.S. Patent No. 4,325,768

Claims 1-21 and 23 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 6,221,211 to Hollenberg et al. ("Hollenberg") in view of Schulz discussed above. The Examiner asserts that Hollenberg teaches a multi-ply tissue product containing indicia to indicate the presence of some unique ingredients within the tissue product. The Examiner recognizes that Hollenberg fails to teach an embossment as a non-verbal cue. In an attempt to overcome the deficiencies of Hollenberg, the Examiner combines the teachings of Schulz. The Examiner asserts that Schulz teaches web materials comprising embossments. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a multi-ply tissue product having a non-verbal cue and an embossment.

Applicants respectfully submit that Hollenberg and Schulz fail to teach each and every element of Claim 1, as amended, because they fail to teach a fibrous structure comprising an embossment comprising a non-white color agent. Therefore, Applicants submit that Claim 1, as amended, is not rendered obvious over the teachings of Hollenberg and Schulz. Further, Applicants submit that Claims 2-3, 5-20 and 23 (Claim 4 has been cancelled), as amended, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hollenberg and Schulz. MPEP 2143.03.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211

in view of U.S. Patent No. 4,325,768 and further in view of US 2004/0118530

Claims 12-16 and 21 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Hollenberg in view of Schulz and further in view of U.S. Published Application No. 2004/0118530 ("530"). The Examiner recognizes that the combined teachings of Hollenberg and Schulz fail to teach a fibrous structure as claimed in Claims 12-16 and 21. The Examiner attempts to overcome the

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deficiencies of Hollenberg and Schulz by combining the teachings of '530 with the earlier combined teachings of Hollenberg and Schulz.

Applicants respectfully submit that the teachings of Hollenberg, Schulz and '530 fail to teach each and every element of the claimed invention as claimed in Claims 12-16 and 21. Therefore, Applicants submit that Claims 12-16 and 21, as amended, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hollenberg, Schulz and '530 for the same reasons that Claim 1 is not rendered obvious over Hollenberg and Schulz discussed above. MPEP 2143.03.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By  _____

Signature

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